IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 3543 OF 2006

Arvind L. Khot ... Petitioner.

versus

The State of Maharashtra & ors. ... Respondents.

Shri R.K. Mendadkar with Mrs. H.K. Mandlik for the petitioner.
Shri R.D.Rane GP for Respondents.

CORAM; V.G.PALSHIKAR &
V.M.KANADE, JJ.

DTAED: 21ST JUNE,2006.

P.C.

1. By this petition, the petitioner challenges the order passed by the Scheduled Tribe Certificate Scrutiny Committee, Pune, rejecting the appeal of the petitioner filed against the refusal of caste certificates in favour of the wards of the petitioner.

2. The first contention raised is, observations made in the order regarding the inability of the applicant to depose about the traits, traditions, God, Goddesses of the tribe etc. is factually incorrect. It is legally also not necessary and therefore the Committee erred in rejecting the appeal on that ground. It is however

pertinent to note that it is not the only ground on which the appeal is rejected. The Committee has taken into consideration the documents, analysed the documents and having found the birth certificates contained the entry as Hindu Koli, another contained as Mahadeo Koli, and therefore it could not be said with any certainty that the wards belong to Mahadeo Koli community. The assertion of evidence is correct. Even if it is not, it cannot be a reason for interference by this court under Article 226 of the Constitution.

3. It is also not a case of total absence of evidence. The evidence in the shape of School Leaving Certificate produced by the petitioner, were examined and found unreliable. In such circumstances, there is no judicial or legal error committed by the Committee or Sub Dividional Officer. Hence no intereference is called for. Petition is rejected.

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